

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

INTEGRATED MARINE SYSTEMS, INC.,)
a Washington corporation,)

Plaintiff, } ATTORNEY FOR PLAINTIFF

NO. 2:13-cv-02191

F/V OCEAN EAGLE, Washington
Registration No. WN4606RR, its engines,
tackle, rigging, equipment and other
appurtenances, *in rem*; and OLE
OKSVOLD and ANDREA OKSVOLD,
husband and wife, and their marital
community, *in personam*,

ORDER APPOINTING SUBSTITUTE CUSTODIAN

Defendants.

THIS MATTER comes before the Court on Plaintiff's *Ex Parte* Motion for Order Appointing Substitute Custodian. The Court has considered the motion and the declaration of Plaintiff's counsel and of Jeff Osborn, the proposed substitute custodian. The court GRANTS the motion. Dkt. # 4.

NOW, THEREFORE, the Court Finds, Concludes and Orders as follows:

Findings and Conclusions

1. On December 9, 2013, the Verified Complaint *In Rem* and *In Personam* to Foreclose Maritime Lien was filed herein, praying that the F/V OCEAN EAGLE,

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CUSTODIAN - 1**

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1 Washington Registration No. WN4606RR, its engines, tackle, rigging, equipment and other
2 appurtenances (the "Vessel"), be arrested, condemned and sold to pay Plaintiff's demands
3 and claims for other proper relief.

4 2. By Order of this Court, the Clerk of this Court has issued a Warrant of
5 Arrest commanding the United States Marshal for this District to arrest and to take into
6 custody the defendant Vessel and to detain the same in his custody until further Order of
7 this Court respecting the same. The Vessel is currently believed to be located at the
8 Fishermen's Terminal in Seattle, Washington.

9 3. Jeff Osborn of Dock Street Custodial, LLC has agreed to assume
10 responsibility for the safekeeping of the said Vessel and has consented to act as her
11 custodian until further Order of this Court, for the sum of \$750.00 per month. The United
12 States Marshal is unable to perform or have performed these same services at a comparable
13 rate. The transfer of the defendant Vessel to the substitute custodian for safekeeping will
14 not be effected until all charges incurred by the Marshal have been paid by the moving
15 party.

16 4. Jeff Osborn, the proposed substitute custodian, has averred in his
17 Declaration that neither he nor Dock Street Custodial LLC, his company, has an interest in
18 the outcome of this action in which the Vessel is or will be under arrest.

19 5. Mr. Osborn further avers in his Declaration that he has adequate
20 facilities and supervision for the proper safekeeping of the Vessel and that he possesses
21 insurance with policy limits of at least One Million Dollars to respond in damages for loss
22 or injury to the defendant Vessel or for damages sustained by third parties due to any acts,
23 faults or negligence by the substitute custodian. Furthermore, he avers that the moving
24 party, plaintiff herein, has agreed to release the United States and the Marshal from any
25 and all liability and responsibility arising out of the care and custody of the Vessel, from
26 the time the Marshal transfers possession of the property to the substitute custodian until

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the property is released or sold, and that the moving party has agreed to hold harmless and indemnify the United States Marshal from any and all claims arising out of the substitute custodian's possession and safekeeping.

6. Mr. Osborn has agreed to accept appointment as substitute custodian in accordance with the terms of this Order and possession of the defendant Vessel and will safely keep the property for the duration of the appointment as substitute custodian.

7. Plaintiff, as the moving party, has agreed to be responsible for advancing payment of the substitute custodian fees, moorage fees and electricity charges for the Vessel, and substitute custodian's legal liability insurance premiums, reserving the right to seek reimbursement of such fees, charges and premiums as an expense of administration herein. Moorage fees for the Vessel are expected to be approximately \$400.00 per month, plus electricity charges, where the Vessel currently lies at berth at Fishermen's Terminal in Seattle, but may be somewhat higher should it become necessary to move the Vessel to alternate moorage.

8. The Vessel will not be moved and no person except the appointed substitute custodian will be allowed to enter onto the Vessel except as necessary to transfer the Vessel to the facilities of the substitute custodian or other alternative moorage for safekeeping at the substitute custodian's discretion and except as necessary to adequately safekeep and protect the property, or as may be expressly permitted by Order of the Court.

Order

NOW, THEREFORE, IT IS HEREBY ORDERED that the United States Marshal for the Western District of Washington is authorized upon seizure of the F/V OCEAN EAGLE, Washington Registration No. WN4606RR, pursuant to the Warrant of Arrest issued by the Clerk of this Court, to surrender possession of the F/V OCEAN EAGLE, its engines, tackle, rigging, equipment and other appurtenances to Jeff Osborn, the substitute custodian named herein, and that upon such surrender the Marshal shall be

1 discharged from his duties and responsibilities for the safekeeping of said Vessel and held
2 harmless from any and all claims arising out of said substituted possession and
3 safekeeping.

4 IT IS FURTHER ORDERED that Jeff Osborn is appointed the custodian of
5 said Vessel to retain the same in his custody for safekeeping for the aforementioned
6 compensation until further Order of this Court.

7 IT IS FURTHER ORDERED that all Court-approved expenses for the
8 safekeeping of the defendant Vessel under the substitute custodianship of Jeff Osborn shall
9 be deemed administrative expenses of the United States Marshal.

10 IT IS FURTHER ORDERED that Jeff Osborn may move the Vessel during the
11 pendency of this action from the Vessel's current location to other locations within this
12 District, as he may deem necessary and appropriate for the economical and safe custody of
13 the Vessel.

14 DATED this 10th day of December, 2013.

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17 The Honorable Richard A. Jones
18 United States District Court Judge
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